GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT



Application No. 14351 of Cafritz, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to permit a subdivision and new residential development of ten row dwellings in an R-5-A District at premises No. 2 through 26 - 35th Street, N.E. and 3426 through 3428 East Capitol Street, N.E., (Square W-5046, Lots 800 and 801).

HEARING DATE: October 23, 1985 DECISION DATE: November 6, 1985

FINDINGS OF FACT:

- 1. The application appeared on the preliminary agenda at the public hearing. The affidavit of posting for the subject site indicated that the property was posted eight days prior to the public hearing rather than the 15 days required by subsection 302.3 of the Supplemental Rules of Practice and Procedure before the BZA. However, the applicant testified under oath that the property had been posted 15 days prior to the hearing but that the affidavit was improperly dated. The Board concurred.
- 2. The subject site is known as premise No. 2 through 26 35th Street N.E. and 3426 through 3428 East Capitol Street N.E. It is located at the northwest corner of the intersection of East Capitol and 35th Streets. The site is located in an R-5-A District.
- 3. The subject site is currently unimproved. It consists of approximately 19,859.5 square feet of land area. A 16 foot public alley way extends along the west or rear of the site.
- 4. The site is situated in a neighborhood characterized primarily by single family row dwellings and apartment buildings built in the 1940's.
- 5. Tracks for the Baltimore and Ohio Railroad are located to the west of the subject site in the C-M-1 District. To the south of the site on the opposite side of South Capitol Street are apartment houses in the R-5-A District. To the north of the subject site there are row dwellings fronting on 35th Street in the R-5-A District.

- 6. The Greenway shopping center is located across 35th Street east of the subject site in the C-2-A District. The Police Boys Club Boxing Club, a beauty salon, a church and auto parts store are located in the shopping center. The structures in the center are in a derelict condition. The parking lot is also in extremely poor physical condition. The lot is riddled with pot-holes and strewn with trash and abandoned automobiles. The proposed townhouse development will face this property. The shopping center and parking lot are in the process of being rehabilitated.
- 7. Pursuant to sub-section 8207.2 of the Zoning Regulations, the applicant proposes to build ten single-family row dwellings on the subject site. Paragraph 3105.42 permits the construction of new row dwelling developments in the R-5-A District provided that the following standards are met.
 - a. The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project;
 - b. The Board shall refer the application to the District of Columbia Department of Transportation and the District of Columbia Department of Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects;
 - c. The Board shall refer the application to the District of Columbia Office of Planning and Development for comment and recommendation on the site plan, arrangement of buildings and structures, provisions of light, air, parking, recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood; and
 - d. In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.
- 8. The proposed units will be built on 18 foot wide individual lots ranging from 1,800 square feet to 2,238 square feet in lot area. The units will be two stories high with outside dimensions of 18 feet by 32.8 feet.

- 9. The Zoning Administrator has computed that each lot conforms with the rear yard (20 feet) requirement, lot occupancy, floor area ratio and on-site parking requirements of the R-5-A District. No variances are required in this application. The BZA has the authority to prescribe the required lot width and area in the R-5-A.
- 10. At the public hearing the applicant submitted revised elevations indicating the variations in facade treatments for the subject units and a landscaping plan and schedule. Such evidence had previously been suggested by the Office of Planning (OP).
- 11. The exterior of the units will be shielded in vinyl siding and will have double hung sash windows. There will be two facade types for the units. One model will have louvered shutters and a coach lamp next to the door. The other model will have paneled shutters and a coachlight above the door. There will be four different color schemes for the units; gray, white, beige and gold.
- 12. There are numberous trees existing at the subject site which will be preserved with the exception of two which are on the location of the proposed buildings. The mapels existing in the public space along 35th Street will also remain. A Japanese yew and a Pfritzer's juniper will be planted in front of each unit.
- 13. These will be six foot high and eight foot long stockade fences in the rear of each unit at the side property lines to provide privacy..
- 14. The proposed units will not have basements but will have slabs on grade with masonry foundations at the bottom.
- 15. The typical interior plan of the proposed units will consist of a living room, dining room, kitchen, hallway and foyer on the first floor. A master bedroom, a half bathroom, two additional bedrooms and a full bathroom will be located on the second floor.
- 16. The proposed units will have electric heat and will be fully insulated.
- 17. The proposed units will initally be rental units and will later be sold to individual owners.
- 18. By memorandum dated September 17, 1985, the Office of the Superintendent of the District of Columbia Public Schools reported that it had determined that the subject application would have no adverse effects on the operations and facilities of the Public Schools. Neighborhood Schools have sufficient capacity to accommodate any student population generated by the new housing. The Board concurs.

- By memorandum dated October 16, 1985, the Department of Public Works (DPW) reported that it had no objections to the proposed development. It reported that the subject property fronts both 35th and East Capitol Streets. Street is a 30-foot-wide local street. Parking is allowed at all times on this street. East Capitol Street is a controlled access Expressway with a 25-foot-wide service roadway in the vicinity of the site. Ames Street is a 30-foot-wide local street. Parking is allowed at all times. Ames Street connects the site to Minnesota Avenue, a major bus route in Northeast. The DPW further reported that the site is served by Metrobus routes V6 and U2, operating on Minnesota Avenue, one block east of the project. routes link the site to the Minnesota Avenue Metrorail Station. The DPW further reported that the proposed development will have a negligible impact on the street system. The provision of one parking space per dwelling unit appears to be adequate to accommodate the development. The Board concurs with the reasoning and recommendation of the DPW.
- In a memorandum date October 3, 1985, the D.C. Department of Housing and Community Development reported that the proposed development of ten contiquous row house dwellings would complete a block of existing row houses in a compatible residential neighborhood. Public facilities, an elementary school and Fort Dupont Park, are in the near vicinity, and may be presumed to serve the proposed new housing without overtaxing existing capacities. proposed side and rear yard variances do not diminish the quality of the housing, nor make them any less welcome as an addition to the housing stock. The agency was of the opinion that such dwellings are consistent with the housing policies of the District of Columbia and therefore have no objection to granting the application. The Board concurs with the general reasoning and opinion of the DHGD but notes that side and rear yard variances are not being sought by the applicant.
- By memorandum dated October 16, 1985 the Office of Planning (OP) recommended conditional approval of the subject application. The OP in reporting on the site plan, arrangement of buildings and structures noted that the same typical facade treatment had been repeated on each of the units. The lack of unit individuality in OP's view weakened the project aesthetically. The OP recommended that the row's facade treatment would read better if there were more than one typical front elevation. The use of varied materials, color, window and door fenestration would go a long way to declone, the appearance of the row. The applicant had agreed to vary the fenestration of the units through the use of color, varied fenestration and lighting fixtures. The OP was of the opinion that a more individual facade on each unit could be accomplished without prohibitive cost or the need for variances. The face-on-line design of the project is consistent with that of the adjacent row development in the area. (These dwellings were built prior

to R-5-A review of new single-family development). plans propose extending the brick party wall into the front yard approximately 18 inches. This projection will help to break-up the repetition of face-on-line development. The OP is of the opinion that the proposed row dwelling development could with minor design and site planning adjustments, provide increased rental or home ownership opportunities at the medium income level without sacrificing quality of design and other amenities. It is expected that the future occupants of the development will be well served by the nearby Greenway shopping center (retail, food service, general merchanise, recreation) once it is rehabilitated. The OP was cognizant of the history of insensitivity of development in the areas of the City east of the Anacostia River. It was with this awareness that the OP recommended the following conditions be addressed by the applicant/developer, before it would endorse this application.

- 1. The applicant shall submit revised elevations containing more than one typical facade treatment. The plans shall specify how the units will differ in material, color, fenestration and other design amenities so as to express their individuality.
- 2. The applicant shall submit a landscape plan and landscape schedule. These items shall indicate the types of plant and paving materials, planting procedures and number of plants to be located throughout the site. The plan shall also show the inclusion of a paved rear yard patio and section of privacy fencing between each unit addressed. The Board finds that the applicant has addressed the concerns of the OP listed above by the submission of the revised plans at the public hearing.
- The OP further reported that the design of the proposed units would afford inhabitants adequate natural light and air. The development would not adversely impact on the light and air of neighborhood properties. reported that parking and recreation facilities are adequate for the subject site. The Zoning Regulations require that one on-site parking space be provided for each unit for row development in the R-5-A District. The applicant's plans show the location of a parking pad (9 by 19 ft) in the rear yard of each of the units. Vechicular access to these pads is gained by way of a sixteen foot wide public alley. Additionally street curb parking spaces are available in front of the units on both East Capitol and 35th Streets. Each of the row dwellings proposed is designed to include a level grassed rear yard and or side yard which are available for private on-site recreational activities. Although not shown on the plans, the applicant has agreed to provide a paved patio at the rear of each unit for passive recreational use. The site is served by several nearby public

recreational facilities. These include the Benning Stoddart Recreational Center, Stoddart Terrace after-school Care Center, Fort Dupont and Fort Chaplin Park. There are also recreational facilities available at Benning Elementary School approximately four blocks to the east. The OP further reported that relatively little grading and light excavation are expected to be performed on the site. The site is level, and the units are proposed to be built slab-on-grade. The primary drawback in this type of row house construction is the limited storage and living space available to the occupants. The applicant advised OP that the decision not to provide a basement is based on cost constraints.

- 23. ANC 7D filed no report on the application.
- There was no opposition to the subject application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception the granting of which requires that the proposal meet the requirements of Paragraph 3105.42 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof as demonstrated in the above findings of facts.

Accordingly, it is ORDERED that the application be GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the revised plans marked as Exhibit No. 24B of the record.

VOTE: 3-1 (Patricia N. Mathews, William F. McIntosh, Carrie L. Thornhill to grant; Charles R. Norris opposed; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT ATTESTED BY: Acting Executive Director

04 MAR 1986 FINAL DATE OF ORDER:

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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